

BY Al Luna / [Signature]

[Signature] B. No. 1404

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the State Purchasing and General Services Commission to use the competitive sealed proposal method in making certain open market purchases and in leasing space from a private source.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.121 to read as follows:

Sec. 3.121. COMPETITIVE SEALED PROPOSALS. (a) The commission may make an open market purchase under Section 3.12 or may lease space from a private source under Section 6.05 of this Act by competitive sealed proposals if the commission determines by rule that competitive sealed bidding or informal competitive bidding is not practical or advantageous to the state.

(b) The commission shall solicit proposals by a request for proposals. The commission shall give public notice of a request for proposals in the manner provided for requests for bids under Section 3.12 of this article.

(c) The commission shall open each proposal in a manner that does not disclose the contents of the proposal during the process of negotiating with competing offerors. The commission shall file each proposal in a register of proposals, which shall be open for public inspection after a contract is awarded unless the register

1 contains information that is excepted from disclosure as an open
2 record under Section 3, Chapter 424, Acts of the 63rd Legislature,
3 Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil
4 Statutes).

5 (d) As provided in a request for proposals and under the
6 rules adopted by the commission, the commission may discuss
7 acceptable or potentially acceptable proposals with offerors in
8 order to assess an offeror's ability to meet the solicitation
9 requirements. After the submission of a proposal but before making
10 an award, the commission may permit the offeror to revise the
11 proposal in order to obtain the best final offer. The commission
12 may not disclose any information derived from proposals submitted
13 from competing offerors in conducting discussions under this
14 subsection. The commission shall provide each offeror with an
15 equal opportunity for discussion and revision of proposals.

16 (e) The commission shall invite a requisitioning agency to
17 participate in discussions conducted under Subsection (d) of this
18 section.

19 (f) The commission shall make a written award of a purchase
20 or lease to the offeror whose proposal is the most advantageous to
21 the state, considering price and the evaluation factors in the
22 request for proposals, except that if the commission finds that
23 none of the offers is acceptable, it shall refuse all offers. The
24 commission may not use any other factors or criteria in its
25 evaluation. The contract file must state in writing the basis on
26 which the award is made.

27 (g) The commission shall adopt rules as it considers

1 necessary or convenient to perform its responsibilities under this
2 section.

3 SECTION 2. Section 6.05(c), State Purchasing and General
4 Services Act (Article 601b, Vernon's Texas Civil Statutes), is
5 amended to read as follows:

6 (c) The space may be leased from a private source through
7 competitive bidding or through competitive sealed proposals under
8 Section 3.121 of this Act. The [~~whenever--possible--but--the~~]
9 commission[~~--with-the-approval-of-the-state-agency--~~] may negotiate
10 for the space when competitive bidding and competitive sealed
11 proposals are not practical [~~competition-is-not-available~~].

12 SECTION 3. This Act takes effect September 1, 1987, and
13 applies only to a contract or lease for which a competitive sealed
14 proposal is requested by the State Purchasing and General Services
15 Commission on or after that date.

16 SECTION 4. The importance of this legislation and the
17 crowded condition of the calendars in both houses create an
18 emergency and an imperative public necessity that the
19 constitutional rule requiring bills to be read on three several
20 days in each house be suspended, and this rule is hereby suspended.

H. B. No. 1404

By Al Luna
Speaker

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MAR 9 1987

1. Filed with the Chief Clerk.

MAR 16 1987

2. Read first time and Referred to Committee on

State Affairs

3. Reported favorably (as amended) (as substituted) and sent to Printer at

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of yeas, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas, nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of yeas, nays, and present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of yeas, nays, present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas, nays, and present, not voting).

12. Ordered Engrossed at

13. Engrossed.

14. Returned to Chief Clerk at

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.)
(yeas, nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

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